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| Response to Office Communication | Application Number | 09/398,399 |
| | Attorney Docket Number | 10981620-3 |
| | Filing Date | September 17, 1999 |
| | First Named Inventor | Delenstarr |
| | Examiner | Sisson, B. |
| | Group Art | 1634 |
| | Title | Arrays Comprising Background Features that Provide for a Measure of Non-Specific Binding and Methods for Using the Same |

Sir:

This communication is filed in response to the Office Communication dated June 16, 2003 for the above-captioned application.

In the June 16, 2003 office communication, the Examiner requested that additional specificity with regards to support for the previously filed amendments be provided. The following provides the requested additional specificity.

As summarized in the previously filed response, Claims 50, 58, 59, 60 and 71 were amended to specify that the claims include both a labeling step and an unbound target nucleic acid/label separation step prior to the detecting step. Support for the labeling step is found, among other locations, at page 25, line 21 to page 26, line 9. Support for the separation step is found at page 31, lines 10 ff where an analyte contacted array is washed. Claims 64, 66 and 67 were also amended to include an unbound label separation step prior to the claimed detection step, support for these amendments being found in the same location.

If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone Gordon Stewart at (650) 485-2386. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-1078.

Respectfully submitted,

Date: 8.6.03

By: 

Bret E. Field
Registration No. 37,620

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
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PATENT APPLICATION

ATTORNEY DOCKET NO. 10981620-3

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Delenstarr

Serial No.: 09/398,399

Examiner: Sisson, B.

Filing Date: 09/17/1999

Group Art Unit: 1634

Title: ARRAYS COMPRISING BACKGROUND FEATURES THAT PROVIDE FOR A MEASURE OF
NON-SPECIFIC BINDING AND METHODS FOR USING THE SAME

COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
() No additional fee (Address envelope to "Mail stop Non-Fee Amendments")
() Other: _____ (fee \$ _____)

| CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY | | | | | | |
|--|--|------------------------|--|-------------------------|-------------|---------------------------|
| (1) FOR | (2) CLAIMS REMAINING AFTER AMENDMENT | (3) NUMBER EXTRA | (4) HIGHEST NUMBER PREVIOUSLY PAID FOR | (5) PRESENT EXTRA | (6) RATE | (7) ADDITIONAL FEES |
| TOTAL CLAIMS | | MINUS | | = 0 | X \$18 | \$ 0 |
| INDEP. CLAIMS | | MINUS | | = 0 | X \$84 | \$ 0 |
| () FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM | | | | | + \$280 | \$ 0 |
| EXTENSION FEE | 1ST MONTH \$110.00 | 2ND MONTH \$410.00 | 3RD MONTH \$930.00 | 4TH MONTH \$1450.00 | | \$ 0 |
| OTHER FEES | | | | | | \$ |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | | \$ 0 |

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

I hereby certify that this paper is being facsimile
transmitted to the Patent and Trademark Office on
the date shown below.

Date of Facsimile: 08-06-2003

Typed Name: Donna Macedo

Signature: 

Respectfully submitted,

Delenstarr

By 

Bret Field for Gordon Stewart

Attorney/Agent for Applicant(s)
Reg. No. 37,620

Date: 08-06-2003

FACSIMILE TRANSMITTAL**BOZICEVIC, FIELD & FRANCIS LLP**

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Date: August 6, 2003
To: Examiner Bradley Sisson
U.S. Patent Office, Art Unit 1634
Fax: 703-305-7230
From: Bret Field
Docket No. 10981620-3

Re: Please acknowledge receipt of the attached Response to Office Communication sent August 6, 2003 via return facsimile.

RECEIVED
AUG 15 2003
TECH CENTER 1600/2900

Thank you for your assistance in this matter.

If you have any questions please feel free to contact me at number listed above.

See attached for details.

Total including cover 3 pages

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